



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

February 17, 1994

Ms. Ann Diamond  
Assistant District Attorney  
Tarrant County  
Justice Center  
401 W. Belknap  
Fort Worth, Texas 76196-0201

OR94-078

Dear Ms. Diamond:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code (former V.T.C.S. article 6252-17a).<sup>1</sup> Your request was assigned ID# 22884.

The Tarrant County Auditor's Office (the "county auditor") received an open records request for "a list of employee names who had dues deducted coded as Union-SH (Tarrant County Deputy Sheriff's Association) for paychecks issued on September 15th and a list for September 30th of this year." You now seek an open records decision from this office to determine whether the county auditor is required to release this information under the Open Records Act. Because you yourself do not argue that the requested information is excepted from required public disclosure, we construe your request as one made pursuant to section 552.305 of the Government Code, which authorizes governmental bodies to rely solely on third parties to submit to this office their objections to the public disclosure of requested information.

You have submitted to this office the contentions of the employee union's attorney as to why the requested information should not be released. Specifically, the attorney contends, *inter alia*, that the fact that union members have elected to have their union dues deducted from their paychecks implicates their common law privacy interests and

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<sup>1</sup>The Seventy-third Legislature repealed article 6252-17a, V.T.C.S. Acts 1993, 73d Leg., ch. 268, § 46. The Open Records Act is now codified in the Government Code at chapter 552. *Id.* § 1. The codification of the Open Records Act in the Government Code is a nonsubstantive revision. *Id.* § 47.

that the requested information thus comes under the protection of section 552.102 of the Government Code.

A previous determination of this office, Open Records Decision No. 545 (1990), resolves your request. The requested information reflects the personal financial decision of the sheriff's employees to have union dues withdrawn from their paycheck and thus comes under the protection of common-law privacy. For this reason, the county auditor must withhold the requested information pursuant to section 552.102.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script that reads "Susan Garrison".

Susan Garrison  
Assistant Attorney General  
Open Government Section

SG/RWP/rho

Ref.: ID# 22884

Enclosure: Submitted document

cc: Mr. Ken Witt  
Vice President  
Tarrant County Sheriff's Officers' Association  
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(w/o enclosure)

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(w/o enclosures)